

Appendix Q
New York State Agencies & Regulations Relating to Non-Point Source
Pollution

State Agencies With Water Resources Regulatory Authority Effecting NPS

Department of State

The NYDOS, Division of Coastal Resources provides financial and technical assistance and promotes initiatives at the local, regional, and state level to protect and enhance the coastal ecosystems and economies of New York State. A large portion of the funding for the RPP is funded through the NYDOS, Division of Coastal Resources' Local Waterfront Revitalization Program. Technical assistance includes information and data on programs including CZARA, GIS data, and land use.

The NYDOS has a tremendous influence on land use regulation in New York State. While New York is a "home rule" state, the enabling legislation for the development of land use regulations and the process for developing, implementing, and appealing decisions based on them is the product of the NYSDOS.

Department of Environmental Conservation (NYSDEC)

NYSDEC is charged with conserving, improving, and protecting natural resources and the environment, and controlling water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well being. The NYSDEC attempts to reduce NPS through a number of activities including technical assistance for prevention, education, and monitoring and financial assistance for demonstration programs, improvement of existing facilities, and the construction of new ones.

The NYSDEC provides technical assistance and funding for programs aimed at preventing NPS through watershed management, dissemination of resources on best management practices, water quality monitoring, and assessing waterbodies throughout the state.

The New York Environmental Conservation Law (NYECL) contains several provisions relating to the implementation, monitoring, and enforcement of measures aimed at eliminating or reducing NPS. The NYECL establishes enforcement of penalties pertaining to the discharge of matter if such discharge violates the standards set in section 17-0101 regarding water quality and the endangerment of fisheries set in sections 17-0503, 11-1301 (1)(a), 71-01-919 (1)(b), 71-0923, and 71-0925.

Unified Watershed Assessments and Watershed Protection and Restoration Strategies

The NYSDEC has developed the Unified Watershed Assessments (UWA) (for more information see <http://www.dec.state.ny.us/website/dow/uwa/index.htm>) and Watershed Protection and Restoration Strategies (WRAPS) as a result of the federal Clean Water Action Plan (see Appendix P). Each of the watersheds within the state has been classified into one of four categories based on groundwater and surface water quality and

impairments. The watersheds were then ranked according to the level of impairments and targeted for WRAPS and improvements based on these rankings.

Priority Waterbodies List (PWL)

Section 17-0301 of the New York Environmental Conservation Law (NYECL) establishes water quality standards and classifications of waterbodies in relation to these standards also known as the Priority Waterbodies List (PWL). Section 17-0101 requires "the use of all known available and reasonable methods to prevent and control the pollution of the waters of the state" to guarantee the quality of water in New York State waterbodies meets acceptable standards based on these classifications.

For more information see Appendix L

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

The NYSDEC oversees implementation of the FIFRA (for more information see Appendix L) and groundwater protection.

State Environmental Quality Review Act (SEQRA)

The State Environmental Quality Review Act (SEQRA) (for more information see <http://www.dec.state.ny.us/website/dcs/seqr/index.html>) is a preventive measure that requires the completion of an Environmental Impact Assessment (EIA) and Environmental Impact Statement (EIS) for proposed state and local development. SEQRA requires investigation into alternative actions and the mitigation of harmful effects of the proposed development. Potential NPS can be remediated through revised design or other measures.

State Pollution Discharge Elimination System (SPDES)

In NYS, NPDES permitting is under the purview of the NYSDEC, which issues a State Pollution Discharge Elimination System (SPDES) permit.

Additional SPDES Information (see Appendix I)

Neighbor Notification Law

The Neighbor Notification Law, formally known as Chapter 285 of the Laws of 2000, added Sections 33-1004 and 33-1005 the Environmental Conservation Law. These new sections add requirements for 48 hour notice to neighbors for certain commercial lawn applications, posting of visual notification markers for most residential lawn applications, providing notice to occupants of multiple dwellings and other occupied structures, and posting of an information sign by retailers who sell general use lawn pesticides. New regulations (6 NYCRR Part 325 Section 41) to implement the Neighbor Notification Law go into effect on March 1, 2001.

The amendments to the Environmental Conservation Law and the new regulations are only effective in a County, or in New York City, that has adopted a local law to "opt into" the Neighbor Notification Law in its entirety and without any changes.

Additional Neighbor Notification Law Information (see <http://www.dec.state.ny.us/website/dshm/pesticide/neighbor.htm>)

Department of Agriculture & Markets

In addition, the NYS Department of Agriculture and Markets provides administrative support to the State Soil & Water Conservation Committee (SWCC) which in turn provides guidance to the county Soil & Water Conservation Districts (SWCD). SWCD's receive guidance from the SWCC in administering the NYS Agricultural Nonpoint Source Abatement and Control Program and planning and implementing Agricultural Environmental Management (AEM) programs (see Appendix H). The Agricultural Nonpoint Source Abatement and Control Program funds the Graze New York Program which assists farmers in select counties to implement more intensive grazing, practices.

Department of Health

The NYS Department of Health (DOH) monitors the impacts of NPS as it relates to the health of the citizens of New York through water quality monitoring and reporting programs. The New York Public Health Law includes statutes regulating the protection of public water supplies from contaminants due to source and nonpoint source pollution including the enactment of Watershed Rules and Regulations (see Appendix R). The commissioner of the NYSDOH and commissioners of County DOH's determine violations and subsequent penalties.

The 1996 amendments to the SWDA require states to evaluate the quality of sources of public drinking water. Beginning in 1998 and continuing through 2001, the NYSDOH will administer the Source Water Assessment Program (SWAP) (for more information see <http://www.health.state.ny.us/nysdoh/water/swap.htm>) to aid local and state efforts to develop and implement strategies to protect drinking water supplies from both point and nonpoint source pollutants. Under the enabling legislation and the Source Water Assessment Program, the NYSDOH is responsible for overseeing public water supply supervision and wellhead protection among other programs.